



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adoption of Ordinance No. 1518 entitled, "An Ordinance of the Lodi City Council Adding Chapter 15.64 to Title 15, 'Buildings and Construction', of the Lodi Municipal Code, to Establish City-Wide Development Impact Mitigation Fees; Repealing Section 13.12.255 'Storm Drainage Impact Fee'; and Amending Section 15.44.090, 'Fees'"

MEETING DATE: September 4, 1991

PREPARED BY: City Clerk

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1518.

BACKGROUND INFORMATION: Ordinance No. 1518 entitled, "An Ordinance of the Lodi City Council Adding Chapter 15.64 to Title 15, 'Buildings and Construction', of the Lodi Municipal Code, to Establish City-Wide Development Impact Mitigation Fees; Repealing Section 13.12.255, 'Storm Drainage Impact Fee'; and Amending Section 15.44.090, 'Fees'" was introduced at the regular meeting of the Lodi City Council held August 21, 1991.

Pursuant to State statute, ordinances may be adopted five days after their introduction following reading by title.

This Ordinance has been approved as to form by the City Attorney.

At its August 21, 1991 meeting the City Council introduced the Development Impact Fee Ordinance as prepared by staff based on previous Council direction with one change. The draft provided that all the fees be collected at subdivision final map filing or building permit if the project did not have a subdivision final map. The change directed by the City Council was that on projects with a subdivision final map, the Police, Fire, Parks and Recreation and General City Facility Fees be collected at the acceptance of the public improvements. Section 15.64.040 has been rewritten to make this change.

FUNDING: None required.

Allice M. R. Reimche
Reimche
City Clerk

AMR/jmp

APPROVED: _____

THOMAS A. PETERSON
City Manager



ORDINANCE NO. 1518

AN ORDINANCE OF THE LODI CITY COUNCIL ADDING CHAPTER 15.64 TO TITLE 15, "BUILDINGS AND CONSTRUCTION", OF THE LODI MUNICIPAL CODE, TO ESTABLISH CITY-WIDE DEVELOPMENT IMPACT MITIGATION FEES; REPEALING SECTION 13.12.225, "STORM DRAINAGE IMPACT FEE"; AND AMENDING SECTION 15.44.090, "FEES"

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Chapter 15.64 is added to Title 15, "Buildings and Construction", of the Lodi Municipal Code to read as follows:

"CHAPTER 15.64
DEVELOPMENT IMPACT MITIGATION FEES

Section 15.64.010	Findings and Purpose.
Section 15.64.020	Definitions.
Section 15.64.030	Development Impact Funds.
Section 15.64.040	Payment of Fees.
Section 15.64.050	Adoption of Study, Capital Improvement Program and Fees.
Section 15.64.060	Calculation of Fees.
Section 15.64.070	Residential Acre Equivalent Factor.
Section 15.64.080	Credit and Reimbursement for Construction of Facilities.
Section 15.64.090	Other Authority.
Section 15.64.100	Findings Regarding Use of Fees.
Section 15.64.110	Fee Exemptions.
Section 15.64.120	Fee Adjustment or Waiver.
Section 15.64.130	Appeal Procedure.
Section 15.64.140	Severability

15.64.010 Findings and Purpose.

The Council hereby finds and declares as follows:

- A. In order to implement the goals of the City of Lodi's General Plan and to mitigate the impacts caused by new development in the City of Lodi, certain public improvements must be or had to be constructed. The City Council hereby determines that Development Impact Mitigation Fees are needed to finance these public improvements and to pay for new developments' fair share of the construction costs of these improvements. In establishing the fees described in this chapter, the City Council finds the fees to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fees with respect to the City's housing needs as established in the Housing Element of the General Plan.
- B. The purpose of this chapter is to implement the General Plan requirements set forth in subdivisions A and B of this section and to impose mitigation fees to fund the cost of certain facilities and services, the demand for which is directly or indirectly generated by the type of new development proposed in the City of Lodi General Plan, under the authority of:

- ° the police power of the City granted under Article XI, Section 7, of the California Constitution;

- the provisions of the California Environmental Quality Act, Public Resources Code, Section 21000 et. seq. which in general requires that all developments mitigate environmental impacts.
 - the provisions of the California Government Code regarding General Plans at Section 65300 et. seq. including but not limited to the provisions of Government Code Section 65400.
- C. It is the further purpose of this chapter to require that adequate provisions are made for developer-financed facilities and services within the City of Lodi city limits as a condition to the approval of new development.
- D. Development Impact Mitigation Fees are hereby established on development in the City of Lodi. Development Impact Mitigation Fees shall consist of separate fees as described in Section 15.64.030 of this Code. The City Council shall, by resolution, set forth the specific amount of the fees; describe the benefit and impact area on which the fee is imposed; refer to the specific improvements to be financed, their estimated cost and reasonable relationship between this fee and the various types of new developments; and set forth time for payment. Adoption of such fee resolutions shall be done in compliance with Government Code Sections 66016 et. seq..
- E. The specific improvements to be financed by the fee are described in City of Lodi Development Impact Fee Study prepared for the City of Lodi by Nolte and Associates and Angus McDonald & Associates, dated August, 1991, a copy of which is on file with the City Clerk. The calculation of the fee is based upon the findings in the referenced Study.
- F. New development will generate new demand for facilities which must be accommodated by construction of new or expanded facilities. The amount of demand generated and, therefore, the benefit gained, varies according to kind of use. Therefore, a "residential acre equivalent" (RAE) factor was developed to convert the service demand for each General Plan land use into a ratio of the particular use's rate to the rate associated with a low-density, single-family dwelling gross acre. The Council finds that the fee per unit of development is directly proportional to the RAE associated with each particular use.

15.64.020 Definitions.

- A. "Acreage" means the gross acreage for fee calculation purposes of any property within the City of Lodi General Plan area not including the acreage of dedicated street right-of-way existing prior to development, except that the area of new dedicated street right-of-way in excess of 34 feet on one side of a street shall not be included in the gross acreage.
- B. "Building Permit" means the permit issued or required for the construction, improvement or remodeling of any structure pursuant to and as defined by the City of Lodi Building Code.
- C. "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility or service including, without limitation, the costs of land, construction, engineering, administration, and consulting fees,
- D. "Development" or "Project" means any of the following:
1. For water, sewer and storm drainage impact fees: any new connection to the City system or increase in service demand.

2. For streets impact fees: any project that increases traffic.
 3. For police, fire, parks and recreation and general City facilities impact fees: any project generating new or increased service demand.
- E. "Facilities" means those public facilities designated in the City of Lodi Development Impact Fee Study and as subsequently designated by the City Council.
- F. "Land Use" means the planned use as shown on the General Plan Land Use Map defined by the following categories based on the designations in the Lodi General Plan:
1. Low-Density Residential - Single-family detached and attached homes, secondary residential units, and similar uses not exceeding 7.0 units per gross acre.
 2. Medium-Density Residential - Single Family and Multi-family residential units and similar uses between 7.1 and 20.0 units per gross acre.
 3. High-Density Residential - Multi-family residential units, group quarters, and similar uses between 20.1 and 30.0 units per gross acre.
 4. East Side Residential - This designation reflects the Lodi City Council's adoption of Ordinance No. 1409. This designation provides for single-family detached and attached homes, secondary residential units, and similar uses not exceeding 7.0 units per gross acre.
 5. Planned Residential - Single-family detached and attached homes, secondary residential units, multi-family residential units, and similar uses and is applied to largely undeveloped areas in the unincorporated area of the General Plan. All development under this designation shall be approved pursuant to a specific development plan. As specific development plans are approved, the planned residential designation shall be replaced with a low, medium, or high density residential designation, or a public/quasi-public designation based on its approved use and density.
 6. Neighborhood Commercial - Neighborhood and locally-oriented retail and service uses, public and quasi-public uses, and similar uses with a floor/area ratio not exceeding 0.40.
 7. General Commercial - Land-intensive retail and wholesale commercial uses, public and quasi-public uses, and similar uses with a floor/area ratio not exceeding 0.40.
 8. Downtown Commercial - Restaurants, retail, service, professional and administrative offices, hotel and motel uses, and similar uses in the downtown area of Lodi. For purposes of this chapter, development standards and demands are comparable to Neighborhood Commercial land use.
 9. Office - Professional and administrative offices, medical and dental clinics, laboratories, financial institutions, and similar uses with a floor/area ratio not exceeding 0.50.
 10. Light Industrial - Industrial parks, warehouses, distribution centers, light manufacturing, and similar uses with a floor/area ratio not exceeding 0.50.

11. Heavy Industrial - Manufacturing, processing, assembling, research, wholesale and storage uses, trucking terminals, railroad facilities, and similar uses with a floor/area ratio not exceeding 0.50.

12. Public/Quasi-Public - Government-owned facilities, public and private schools, and quasi-public uses such as hospitals and churches with a floor/area ratio not exceeding 0.50. The appropriate Residential Acre Equivalent (RAE) factor for these uses shall **be** determined on a case-by-case basis by the Public Works Director.

G. "Program Fee Per Residential Acre Equivalent" means the total program costs, for a particular category of facility divided by the total number of residential acre equivalents and adjusted for price-changes up to the year of construction and for the cost of financing, as identified in the City of Lodi Development Impact Fee Study or subsequent update for that particular category.

H. "Residential Acre Equivalent Factor" (RAE) is a conversion factor used to reflect the service demand for each land use, with respect to the same characteristics for a low-density, single-family detached dwelling unit zoned in a residential zoning category ("R-LD" low-density) based on the City of Lodi General Plan.

15.64.030 Development Impact Funds.

The City Finance Director shall create in the City treasury the following special interest-bearing trust funds into which all amounts collected under this chapter shall **be** deposited.

A. Water Facilities

B. Sewer Facilities

1. General Sewer Facilities

2. Kettleman Lane Lift Station

3. Harney Lane Lift Station

4. Cluff Avenue Lift Station

C. Storm Drainage Facilities

D. Street Improvements

E. Police Facilities

F. Fire Facilities

G. Parks and Recreation Facilities

H. General City Facilities and Program Administration

The fees shall be expended solely to pay the costs of facilities (including interest on interfund loans) or to reimburse developers entitled to reimbursement under this chapter. The funds for the categories listed above shall **be** kept separate. For

purposes of this chapter, they are referred to in aggregate as the "Development Impact Fee Fund".

The City Manager shall have the authority to make loans among the Development Impact Fee Funds to assure adequate cash flow. Interest charged on each loan shall be the same as the rate earned on other City funds.

15.64.040 Payment of Fees.

- A. The property owner of any development project causing impacts to public facilities shall pay the appropriate Development Mitigation Fee as provided in this Chapter. The amount shall be calculated in accordance with this Chapter and the Program Fee per Residential Acre Equivalent as established by Council Resolution.
- B. When such payment is required by this Chapter, no final subdivision map, building permit or grading permit shall be approved for property within the City of Lodi unless the Development Impact Mitigation Fees for that property are paid or guaranteed as provided herein.
- C. The fees shall be paid before the approval of a final subdivision map, building permit or grading permit, whichever occurs first except as provided in Subsection E of this Section.
- D. If a final subdivision map ~~has~~ been issued before the effective date of this Ordinance, then the fees shall be paid before the issuance of a building permit or grading permit, whichever comes first.
- E. Where the development project includes the installation of public improvements, the payment of fees for Police, Fire, Parks and Recreation and General City Facilities and Program Administration may be deferred and shall be collected prior to acceptance of the public improvements by the City Council. Payment of all deferred fees shall be guaranteed by the owner prior to deferral. Such guarantee shall consist of a surety bond, instrument of credit, cash or other guarantee approved by the City Attorney.

15.64.050 Adoption of Study, Capital Improvement Program and Fees.

- A. The City Council hereby adopts the City of Lodi Development Impact Fee Study dated August, 1991 and establishes a future Capital Improvement Program consisting of the projects shown in said study. The City Council shall review that Study annually, or ~~more~~ often if it deems it appropriate, and may amend it by resolution at its discretion.
- B. The City Council shall include in the City's annual Capital Improvement Program appropriations from the Development Impact Fee Funds for appropriate projects.
- C. **Except for** facilities approved by the Public Works Director **for** construction by a property owner under Section 15.64.080 or as shown in the annual Capital Improvement Program, all facilities shall be constructed in accordance with **the** schedule established in the Development Impact Fee Study.
- D. The Program Fee per Residential Acre Equivalent (RAE) shall be adopted **by** resolution and shall be updated annually, or more frequently if directed by the City Council, by resolution after a noticed public hearing. The annual update shall be based on a report by the Public Works Director including the estimated cost of the public improvements, the continued need for those improvements, and

the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. In the absence of substantial changes in the projects or unit prices, the change in project cost shall be estimated by the change in the Engineering News Record 20 Cities Construction Cost Index.

15.64.060 Calculation of Fees.

The Development Impact Mitigation Fees required under Section 15.64.040 are calculated as follows:

$$F = P \times RAE$$

$$T = A \times F$$

where:

A = acreage, computed to the nearest 0.01 acre;

F = fee per acre per land use category per the definitions in this Chapter, rounded to the nearest \$10;

P = program fee per residential acre equivalent as established by Resolution; and

RAE = the residential acre equivalent (RAE) factor for the appropriate land use category (see Section 15.64.070);

T = the total mitigation fee for each category of public facility.

The calculated fees are subject to adjustment per section 15.64.120 of this Code.

15.64.070 Residential A

A. The residential acre equivalent factor is based on the Development Impact Fee Study.

B. The residential acre equivalent (RAE) factors are as follows:

Land Use Categories	Water RAE	Sewer RAE	Storm Drainage RAE	Streets RAE	Police RAE	Fire RAE	Parks & Recreation RAE	General City Facilities RAE
RESIDENTIAL								
Low Density	1.00	1.0	1.00	1.00	1.00	1.00	1.00	1.00
Medium Density	1.96	1.96	1.00	1.96	1.77	1.96	1.43	1.43
High Density	3.49	3.49	1.00	3.05	4.72	4.32	2.80	2.80
East Side Residential	1.00	1.0	1.00	1.00	1.09	1.10	1.10	1.10
PLANNED RESIDE"								
Low Density	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Medium Density	1.96	1.96	1.00	1.96	1.77	1.96	1.43	1.43
High Density	3.49	3.49	1.00	3.05	4.72	4.32	2.80	2.80
COMMERCIAL								
Neighborhood Commercial	0.64	0.94	1.33	1.90	4.28	2.77	0.32	0.89

General Commercial	0.64	0.94	1.33	3.82	2.59	1.93	0.32	0.89
Downtown Commercial	0.64	0.94	1.33	1.90	4.28	2.77	0.32	0.89
Office Commercial	0.64	0.94	1.33	3.27	3.72	2.46	0.54	1.53
<u>INDUSTRIAL</u>								
Light Industrial	0.26	0.42	1.33	2.00	0.30	0.64	0.23	0.64
Heavy Industrial	0.26	0.42	1.33	1.27	0.19	0.61	0.33	0.93

15.64.080 Credit and Reimbursement for Construction of Facilities

A. Construction of Facilities in Program Year

1. The Public Works Director may direct or authorize the owner to construct certain facilities specified in the Development Impact Fee Study, or portions thereof, at the time and as designated in the Study, in lieu of all, or a portion of, the fee required by this chapter. The owner is entitled to a credit if the owner: (1) constructs the improvements, (2) finances an improvement by cash or other means approved by the Council, or (3) a combination of the above. The credit to be provided to the property owner shall be determined by the Public Works Director based on prevailing construction costs plus 10% for engineering and administration and shall be approved by the Council. The construction of a facility authorized by this section must consist of a usable facility or segment and be approved by the City and constructed in accordance with the City of Lodi's Public Improvement Design Standards. The property owner must post a bond or other security in a form acceptable to the Director for the complete performance of the construction before credit is given.

2. If the amount of the credit is less than the amount of the otherwise applicable fee, the property owner shall pay the amount which, when added to the credit received for the construction of facilities, equals the fee obligation.

3. If the amount of the credit is greater than the amount of the otherwise applicable mitigation fee, the property owner shall be paid the difference only from the appropriate Development Impact Fee Fund, after the project is accepted by the City, and at the end of the year in which the project is planned to be completed under the Study.

B. Construction of Facilities Prior to Program Year

1. If the construction described in subsection A occurs before the fiscal year for which construction is scheduled under the Study, the property owner shall receive no immediate credit against the applicable fee. The property owner shall be reimbursed from the appropriate Development Impact Fee fund at the end of the year in which the project is planned under the Study Program Year. The reimbursable amount shall be the estimated cost of the facility as determined in sub-section A.1. With specific approval of the Council, reimbursement may occur after the year in which the project is planned, if in the opinion of the Public Works Director, the delay is necessary to assure the orderly implementation of the City Capital Improvement Program.

2. To implement this subsection B.1, the property owner and the City shall first enter into a reimbursement agreement. In addition to its other terms, the agreement shall provide that:

- (a) the general fund of the City is not liable for payment of any obligations arising from the agreement;
- (b) the credit or taxing power of the City is not pledged for the payment of any obligations arising from the agreement;
- (c) the land owner shall not compel the exercise of the City taxing power or the forfeiture of any of its property to satisfy any obligations arising from the agreement;
- (d) the obligation arising from the agreement is not a debt of the City, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts, or revenues, and is payable only from the fees deposited in the appropriate City of Lodi Development Impact Fee Fund;
- (e) the reimbursable amount shall be increased annually to include an amount attributable to interest. This amount shall be based on the change in the Engineering News Record 20 Cities Construction Cost Index from the January 1 index of the year of construction to the January 1 index of the year of reimbursement.

15.64.090 Other Authority.

- A. This chapter is intended to establish a supplemental method for funding the cost of certain facilities and services, the demand for which will be generated by the level and type of development proposed in the Lodi General Plan. The provisions of this chapter shall not be construed to limit the power of the City Council to impose any other fees or exactions or to continue to impose existing ones on development within the City of Lodi, but shall be in addition to any other requirements which the City Council is authorized to impose, or has previously imposed, as a condition of approving a plan, rezoning or other entitlement within the City of Lodi. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and other exactions required by, but not limited to, the City of Lodi Municipal Code, Public Improvement Design Standards and other applicable documents. Any credits or reimbursements under Section 15.64.080 shall not include the funding, construction, or dedications described in this subsection.

15.64.100 Findings Regarding Use of Fees.

- A. As required under Government Code Section 66001(d), the City shall make findings once each fiscal year with respect to any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee, to identify the purpose to which the fee is to be put and demonstrate a reasonable relationship between the fee and the purpose for which it was charged.
- B. As required under Government Code Section 66001(e), the City shall refund to the current record owner on a prorated basis the unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be established.

15.64.110 Fee Exemptions.

The following developments are exempt from payment of fees described in this chapter:

- A. City of Lodi projects;
- B. Projects constructed or financed under this chapter;

- C. Reconstruction of, or residential additions to single-family dwellings, but not including additional dwelling units;
- D. Property which has paid a Master Storm Drain fee pursuant to Resolution 3618 or Ordinance 1440 is exempt from payment of the Storm Drainage Impact Fee except for changes in land use as described in the Fee resolution.

15.64.120 Fee Adjustment or Waiver.

- A. The owner of a project subject to a fee under this chapter may apply to the Public Works Director for an adjustment to or waiver of that fee. The waiver of this fee shall be based upon the absence of any reasonable relationship between the impact on public facilities of that development and either the amount of fee charged or the type of facilities to be financed.
- R. The application for adjustment or waiver shall be made in writing and filed with the City Clerk no later than ten days after formal notification of the fee to be charged. The application shall state in detail the factual basis and legal theory for the claim of adjustment or waiver.
- C. It is the intent of this chapter that:
 - 1. The land use categories are based on General Plan designations which are an average of a wide range of specific land uses; thus substantial variation must be shown in order to justify a fee adjustment,
 - 2. The Public Works Director may calculate a fee and/or require additional improvements where the service demand of a particular land use exceeds the standards shown in the definitions or used in determining the improvements needed under the fee program,
 - 3. The fee categories shall be considered individually; thus it may occur that a fee adjustment or waiver is made in one category and not another, and
 - 4. Where improvements providing capacity for the subject parcel have already been constructed, a downward adjustment of the fee is not appropriate.
- D. The Public Works Director shall consider the application at an informal hearing held within 60 days after the filing of the fee adjustment or waiver application. The decision of the Public Works Director is appealable pursuant to Section 15.64.130.
- E. The applicant bears the burden of proof in presenting substantial evidence to support the application. The Public Works Director shall consider the following factors in its determination whether or not to approve a fee adjustment or waiver:
 - 1. The factors identified in Government Code Section 66001:
 - The purpose and proposed uses of the fee;
 - The type of development;
 - The relationship between the fee's use and type of development;
 - The need for the improvements and the type of development; and

- ° The amount of the fee and the portion of it attributable to the development; and
- 2. The substance and nature of the evidence including the Development Impact Fee Study and the applicant's technical data supporting its request. The applicant must present comparable technical information to show that the fee is inappropriate for the particular development.

15.64.130 Appeal Procedure.

- A. The Public Works Director is responsible for administering, collecting, crediting, adjusting, and refunding development fees. A decision by the Public Works Director regarding a fee imposed under this chapter is appealable in accordance with this section. A person seeking judicial review shall first seek an appeal hearing under this section.
- B. A person appealing a decision under this chapter shall file a request with the Public Works Director who is responsible for processing the appeal. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten calendar days following the decision of the Public Works Director being appealed.
- C. The Public Works Director shall notify the City Manager of the appeal. The City Manager shall set the matter for hearing before the City Council and notify the person appealing in writing of the time and place.
- D. The City Council shall conduct the hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record of the proceeding. The Council shall consider all relevant evidence presented by the appellant, the Public Works Director or other interested party.
- E. The decision of the City Council is final; it is reviewable by a court under Code of Civil Procedure Section 1094.5.
- F. The City of Lodi hereby adopts Code of Civil Procedure Section 1094.6 for the purposes of judicial review under this section. A petition seeking review of a decision under this Chapter shall be filed not later than the 90th day following the date on which the decision of the hearing officer becomes final."

15.64.140 SEVERABILITY

If any provision or clause of this Ordinance or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this Ordinance are declared to be severable.

SECTION 2. Repeal. Section 13.12.225 "Storm Drainage Impact Fee" is repealed.

SECTION 3. Amendment. Section 15.44.090 "Fees" is amended to read:

"The then-current applicable development fees must be paid prior to the issuance of a building permit, or allowing the development to proceed, including:

- A. Development Impact Mitigation Fees
- B. Wastewater Connection Fee

- C. Engineering Fee
D. Other established development fees and fees for service."

SECTION 4. Effective Date. This ordinance takes effect 60 days after its adoption. For purposes of this Chapter, building permit applications accepted and deemed complete prior to the effective date shall not be subject to the Ordinance.

SECTION 5. Publication. The City Clerk shall either: (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation, or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again within 15 days after its adoption.

this 4th day September, 1991

DAVID M. HINCHMAN
Mayor

ATTEST:

Alice M. Reimche

City Clerk

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State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1518 was introduced at a regular meeting of the City Council of the City of Lodi held August 21, 1991 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held September 4, 1991 by the following vote:

Ayes: Council Members - Pennino, Sieglock, Snider and Hinchman (Mayor)
Noes: Council Members - Pinkerton
Absent: Council Members - None
Abstain: Council Members - None

I further certify that Ordinance No. 1518 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

Approved as to form:

Bobby W. McNatt

BOBBY W. MCNATT
City Attorney

ORD1518/TXTA.02J